

three expert depositions, over the course of the next two weeks; briefs in the Court of Appeals for the Eighth Circuit due May 24 and June 1; and various other state and federal court proceedings. Co-counsel are either new to this case or have had no significant involvement in the discovery disputes catalogued by plaintiffs. Counsel require additional time in order to prepare an adequate response.

3. The issues presented by the motion for sanctions, as noted, are fact-intensive, and some of the alleged misconduct has been known to plaintiffs since January 2020. ECF 180-13 (produced by City in January, 2020). The Court has had recent experience with plaintiffs' tendency to exaggerate in regard to conditions at the Medium Security Institution, see ECF 156-57, 161, and defendant City is working diligently to present a complete and accurate picture of the discovery issues raised by plaintiffs, but defendant's counsel simply require more time.

4. Defendant City's response is further complicated by the change in City administration, the resignation of the Corrections Commissioner, and various inquiries concerning riots at the City Justice Center--all of which are time-consuming for Corrections staff on whom

defendant's counsel must rely to obtain any additional needed information.

5. Plaintiffs' counsel have declined to consent to this motion, which is not asserted for purposes of delay or any improper purpose. Resolution of plaintiffs' motion need have no effect on the current date (June 1) for closure of discovery.

WHEREFORE, defendant City requests that it be granted to and including May 25, 2021, to respond to the motion for sanctions.

Respectfully submitted,
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